

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KELLY L. WATTERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 23-1593
	)	
MARTIN O'MALLEY, <sup>1</sup>	)	
Commissioner, Social Security Administration,	)	
	)	
Defendant.	)	

ORDER

AND NOW, this 26th day of September, 2024, upon consideration of the parties' cross-motions for summary judgment, the Court, after reviewing the Commissioner of Social Security's final decision denying Plaintiff's claim for disability insurance benefits under Subchapter II of the Social Security Act, 42 U.S.C. §§ 401 *et seq.*, finds that the Commissioner's findings are supported by substantial evidence and, accordingly, affirms. *See* 42 U.S.C. § 405(g); *Biestek v. Berryhill*, 139 S. Ct. 1148, 1153-54 (2019); *Jesurum v. Secretary of U.S. Dep't of Health & Human Servs.*, 48 F.3d 114, 117 (3d Cir. 1995) (citing *Brown v. Bowen*, 845 F.2d 1211, 1213 (3d Cir. 1988)). *See also* *Berry v. Sullivan*, 738 F. Supp. 942, 944 (W.D. Pa. 1990) (if supported by substantial evidence, the Commissioner's decision must be affirmed, as a federal court may neither

---

<sup>1</sup> Martin O'Malley is substituted as the defendant in this matter, replacing former Acting Commissioner Kilolo Kijakazi pursuant to Federal Rule of Civil Procedure 25(d) and 42 U.S.C. § 405(g).

reweigh the evidence, nor reverse, merely because it would have decided the claim differently) (citing *Cotter v. Harris*, 642 F.2d 700, 705 (3d Cir. 1981)).<sup>2</sup>

---

<sup>2</sup> Plaintiff raises the following arguments on appeal: (1) the Administrative Law Judge's ("ALJ") assessment of Plaintiff's listing level impairments was not supported by substantial evidence; and (2) Plaintiff's residual functional capacity ("RFC") was not supported by substantial evidence. (Doc. No. 9). Plaintiff essentially asks for the Court to come to its own conclusion based on evidence she deems persuasive and determinative to her case. The Court cannot and will not do so and, therefore, affirms the ALJ's decision.

Plaintiff takes issue with the ALJ's assessment of Listings 12.04 and 12.06 and points to evidence within the record she suggests support greater limitations in the Listings "paragraph B" criteria. (Doc. No. 9 at 24-27). Plaintiff does the same in regard to her RFC assessment, stating the ALJ should have crafted a more restrictive RFC incorporating her inability to consistently and reliably interact with others, her inability to stay on-task, and her difficulty in meeting work quotas. (*Id.* at 28-30). Defendant points out that the evidence Plaintiff points to in terms of the "paragraph B" criteria was either addressed by the ALJ or contradicted by normal findings within the record. (Doc. No. 12 at 11-16). Moreover, Defendant correctly acknowledges that Plaintiff does not cite a single page of the record in support of her contention that the RFC was not supported by substantial evidence. (*Id.* at 17). The Court agrees with the Defendant that the ALJ's decision is supported by substantial evidence.

As the evidence Plaintiff points to was addressed by the ALJ in a well-reasoned and thorough decision, all Plaintiff does is ask the Court to reweigh the evidence. However, if supported by substantial evidence, the Commissioner's decision must be affirmed, as a federal court may neither reweigh the evidence, nor reverse, merely because it would have decided the claim differently. *See Hartranft v. Apfel*, 181 F.3d 358, 360 (3d Cir. 1999) (citing 42 U.S.C. § 405(g)); *Monsour Med. Ctr. v. Heckler*, 806 F.2d 1185, 1190-91 (3d Cir. 1986); *Berry*, 738 F. Supp. at 944 (citing *Cotter*, 642 F.2d at 705). Moreover, "[t]he presence of evidence in the record that supports a contrary conclusion does not undermine the [ALJ's] decision so long as the record provides substantial support for that decision." *Malloy v. Comm'r of Soc. Sec.*, 306 Fed. Appx. 761, 764 (3d Cir. 2009). To the extent the Court is being asked to come to its own conclusion based on the evidence, it declines to do so.

The ALJ's findings and conclusions are supported by substantial evidence. Accordingly, the decision of the Commissioner must be affirmed.

Therefore, IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 8) is DENIED and that Defendant's Motion for Summary Judgment (Doc. No. 11) is GRANTED.

s/Alan N. Bloch  
United States District Judge

ecf: Counsel of record